

## EA Appendix VI

### Public Hearing Transcripts

**In The Matter Of:**

*US ARMY CORPS OF ENGINEERS  
BALTIMORE DISTRICT*

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*PUBLIC INFORMATION WORKSHOP  
April 27, 2000*

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UNITED STATES ARMY CORPS OF ENGINEERS  
BALTIMORE DISTRICT  
PUBLIC INFORMATION WORKSHOP  
BREWERTON CHANNEL EASTERN EXTENSION  
WIDENING  
TOLCHESTER CHANNEL S-TURN STRAIGHTENING  
Annapolis, Maryland  
Thursday, April 27, 2000

Page 1

Page 2

[1] **PROCEEDINGS**

[2] **MR. ROBEY:** Good afternoon. [3] Welcome to the Public Information Workshop on [4] the Brewerton Channel Extension and Widening [5] and the Tolchester Channel S-Curve [6] Straightening or S-Turn Straightening. My [7] name is Don Robey and I will be your [8] moderator.

[9] One reason why I make a pretty good [10] moderator, I don't live in this area any more [11] so I can really be unbiased about everything. [12] But I do know a few things about the area. [13] Born and raised here, family and a house on [14] the Magothy. So I know and love the Bay. [15] I was involved in a lot of the work [16] between the Corps as a Corps employee when I [17] was at the Waterways Experiment Station [18] working on the numerical modeling of the Bay [19] and that was over a period of about ten years [20] so, I've been retired about four years and [21] out in private consulting practice now, but I [22] still have some memories but I also know that

Page 3

[1] as fast as things go a lot of what I remember [2] may not be very factual any more.

[3] With that in mind, let me introduce [4] the panel here. Sitting in this afternoon [5] initially for Colonel Berwick is Major Ed [6] Fleming and he will be speaking for the [7] Colonel today between 1:00 and 3:00. He is [8] the acting Deputy District Engineer for [9] Civil Works and this work area falls under [10] his command.

[11] To his right and a member of the [12] Baltimore District Team is Jeff McKee, to his [13] right, Cliff Kidd and to his right, all the [14] way on the far side is Debbie Horne and [15] she's going to be taking care of the butcher [16] block paper today and keeping track of all [17] the key points.

[18] I intend to moderate this as a very [19] informal session. In fact, I'm going to take [20] my coat off. You all can do the same. These [21] are important times. The Bay is important. [22] I can also tell you I was a division director

Page 4

[1] at the Waterways Experiment Station in the [2] Environmental Laboratory. I also have a [3] hydrodynamic background so I have both the [4] physical and the

biological chemical [5] background. So I do have a big interest in [6] the Bay and it's a good time to be talking [7] about the Bay.

[8] The Major is going to reiterate [9] these points, one, the record on this is [10] going to be open until May 8th both for [11] written and, and number of oral comments [12] today. We are recording it. We have a [13] court, a court recorder to make sure that [14] what we hear is what was said and that we [15] have it on paper and that helps everybody.

[16] I'm going to operate with five- [17] minute speaking. Frankly, in these types of [18] sessions, if we generally stand up and talk [19] for more than five minutes, people stop [20] listening, normally, so we're going to have a [21] five-minute time frame to give everybody a [22] chance to speak.

Page 5

[1] And my job is being the hook and [2] those of you who know me, and some of you do, [3] know that I can do that very, very well. [4] I've run a number of workshops on the Bay [5] over the years. Most of them the technical [6] workshops. In fact four of them last year.

[7] So with that in mind, let me turn [8] things over briefly to the major and let him [9] tell you what he's really looking for out of [10] this and exactly what the colonel's looking [11] for. Thank you.

[12] **MAJ. FLEMING:** Great. Thanks, Don. [13] Again, we welcome you all here today. On [14] behalf of Colonel Berwick, the District [15] Engineer who will be here later on but [16] couldn't make it at one o'clock, we welcome [17] you and, you know, we have a special charter [18] as the Corps of Engineers as you all know but [19] we can't do that without your input and we [20] value all your input on all sides of this [21] situation and in all situations. So it's [22] important for us to take the time and to hear

Page 6

[1] what you guys think, what everybody thinks, [2] before we go on with such a critical project.

[3] As Don said, the record is open [4] till early May but we will be here until 8:00 [5] tonight if you want to be heard or you know [6] of people that want to be heard. And they [7] can come here anytime until 8:00 and I'm [8] sure if we need to stay past 8:00 then we'll [9] do that too. But it's important that we hear [10] your, your input and we value that.

[11] So, again, on behalf of Colonel [12] Berwick, welcome. He will be here in a [13] little while but we're going to go ahead and [14] get started. Don.

[15] **MR. ROBEY:** Jeff, I think you'd [16] like to just give a couple opening min-

utes of [17] a little bit general about the projects just [18] to make sure everybody's off on the same [19] sheet, sheet of music. When he is finished, [20] what I will do, I will be calling two [21] different names each time. The first is the [22] name of the person with the mic, the second

Page 7

[1] name will be the individual who will be the [2] next person making, making a statement. That [3] way we can have a reasonable flow and I'll do [4] that each time. Okay, Jeff.

[5] **MR. MCKEE:** The two projects that [6] are currently being evaluated are one, [7] widening of the Brewerton Extension. That [8] project is authorized to 600 feet wide, 35 [9] feet deep. It is currently 35 feet deep and [10] 450 feet wide for the western five miles and [11] then the eastern mile is already at 600 feet [12] wide.

[13] That proposal would involve the [14] dredging of approximately 2.3 million cubic [15] yards of dredged material and would be [16] proposed to be placed down at the Poplar [17] Island Habitat Restoration Project. That is [18] shown in the back of the aerial view. Back [19] there is Phase 1 of Poplar Island and that is [20] the location that that material is proposed [21] to be taking.

[22] The second project is up in the

Page 8

[1] Tolchester upper reaches just south of [2] Tolchester Beach. Currently the Channel is [3] 600 feet wide, 35 feet deep and snakes close [4] to the shoreline here. In the interest of [5] navigation safety it is proposed to [6] straightened this Channel. That would be [7] about 2 miles long, 35 feet deep and 600 feet [8] wide, and we would just leave the existing [9] Channel naturally where it is. We would not [10] fill in what is already there.

[11] That would generate about 2.8 [12] million yards of material and, again, that [13] would be taken down to the Poplar Island [14] site. And that's just a brief overview of [15] what the proposed actions are at this point [16] in time. And we'll be glad to take [17] statements from anybody and we will be here [18] to answer questions as well as best we can.

[19] **MR. ROBEY:** Thank you, Jeff. The [20] first person with the mic is George Nixon and [21] second up behind when he's finished is W.J. [22] Derweiler.

Page 9

[1] **MR. NIXON:** Good afternoon. My [2] name is Bud Nixon. I'm the president of [3] Rukert Terminals in the Port of Baltimore. [4] We, we run a terminal in Canton and have done [5] that for almost 80 years now, family owned [6] business.

We're fourth-generation family [7] owned and the Port of Baltimore, the channels [8] approaching the Port are very, very important [9] to us and very important to our employees.

[10] Probably 150 people work for us, [11] make their living, work hard, work long hours [12] and the Port has been the economic engine for [13] the State of Maryland for almost 300 years [14] now. So, our 80 years pales certainly in the [15] light of the Port. I think the first ship was [16] 1706. So we're approaching 300 years.

[17] The Port, although it's not glitzy, [18] although it's not fancy, has certainly been [19] the mule that's carried the load for 300 [20] years. It has made Baltimore. It has made, [21] I think, the State of Maryland and it [22] deserves the federal and the state support to

Page 10

[1] keep us strong and keep us healthy.

[2] I think these, these two projects [3] are necessary and I think we can do these in [4] an environmentally-friendly method. Poplar [5] Island, I was out there a couple of months [6] ago. It's a marvelous project; just [7] something to really be proud of and that's [8] something that everybody pulled together on, [9] everybody got on board. I think that [10] probably happened faster than anything else [11] has happened in the past 50 years. It's a [12] wonderful place for, for this material.

[13] Most of this I think is going to be [14] virgin because we're going to new depths. [15] It's going to be good material. It's going [16] to go to Poplar Island. It's a safety [17] factor. I have a Bay pilot that lives across [18] the street from me and I invited him over the [19] other night and we talked about this and he [20] said, Bud, you know, when we're bringing 400- [21] foot-long ships through these channels, 400 [22] foot in width was fine and the S-Turn was

Page 11

[1] fine but now they're, they're 600, 800 and [2] longer and he said, you know, when that ship [3] has some wind blowing on it or when you've [4] given it the gas it settles down in the rear [5] and we need that depth and we need that [6] ability to maneuver in these channels and do [7] it safely.

[8] So I don't know of anyone building [9] ships that are any smaller. I personally [10] have seen a progression of ships over the [11] years larger, larger and larger. So our [12] terminal easily handles Panamax series [13] vessels, 40-foot draft, 105 feet wide, 800 [14] feet long.

[15] We need these channels. We need [16] this business in the Port. The State needs

[17] it and I think the country needs it and I [18] think we'll do this properly and I don't see [19] any reason in the world why we shouldn't [20] proceed with this post-haste. So thank you [21] for your time.

[22] MR. DETWEILER: My name's William

Page 12

[1] J. Detweiler. I'm the Regional Director of [2] the Carriers Container Council, Inc., which [3] is a membership organization representing [4] container ship operators on the East and Gulf [5] coast of the United States in contract [6] negotiations with the ILA, the Long [7] Shoremen's Union. I've resided in Maryland [8] for the past 29 years and been engaged in the [9] maritime business during the entire period.

[10] I'm also Chairman of the Private [11] Sector Port Committee for the Port of [12] Baltimore. This organization represents the [13] entire gamut of companies and labor [14] representatives engaged in all matter of Port [15] commerce.

[16] The projects under discussion [17] today, the widening and maintenance dredging [18] of the Brewerton Channel Eastern Extension [19] and the straightening of the Tolchester [20] Channel S-Turn are two high priority items. [21] Ships are getting bigger, as Bud mentioned, [22] and they're getting deeper.

Page 13

[1] The S-Turn is, therefore, [2] increasingly dangerous to navigators [3] especially when there's wind or haze or ice. [4] The Brewerton Extension is likewise becoming [5] less safe and should be widened to its [6] authorized 600-foot depth. Maintenance [7] dredging is always needed, as we know.

[8] I recall when the, when the 50-foot [9] channel was authorized and dug and all of [10] that, there were some compromises made and I [11] think perhaps this was one of the [12] compromises, not to go to the full project [13] width at the time in order to get the [14] projects underway and to be able to dispose [15] of the material in a facile manner.

[16] Pilots serving Maryland continue to [17] report near misses and mishaps in the areas [18] we talk about today. A report of an oil [19] barge grounding recently raises the spectre [20] of environmental disaster and I think Chuck [21] Hughes might be appearing later to give more [22] detail on that incident.

Page 14

[1] For these reasons, we urge that [2] these projects be accomplished. I thank you.

[3] MR. ROBEY: The next speaker is [4] Charles Hughes. We will wait.

[5] Mark, has anybody else turned in [6]

any?

[7] Mr. Hughes?

[8] MR. HUGHES: Yes.

[9] MR. ROBEY: You're the next [10] speaker.

[11] MR. HUGHES: Excuse my tardiness.

[12] MR. ROBEY: Just in time.

[13] MR. HUGHES: Gentlemen, I will [14] introduce myself. My name is Charles Hughes [15] and I'm with the Vane Brothers Company. We [16] were ship chandlers a 100 years ago, [17] operating our own vessels from two-masted, [18] three-masted and four-masted schooners. [19] We've always been in the transportation [20] business and from those early days we [21] progressed and we are not operating tug boats [22] and barges and, of course, we have to be

Page 15

[1] very, very careful because of obvious [2] reasons, oil spills and OP-90. The Oil [3] Pollution Bill, of course, provides that in [4] 1990, all barges will be double-hulled, not [5] double skinned, which means double bottom.

[6] With that as background, I'd like [7] to just describe what happened eight days ago [8] which was not only disturbing to the industry [9] but could have been catastrophic to the Bay. [10] First of all I would like to say that I am [11] supporting the S-Turn of Tolchester and the [12] straightening out of the Brewerton Channel [13] for several reasons and I think this will be [14] obvious once I give you my information.

[15] I spent the last two days when I [16] found out that this had happened and I was [17] very much involved, our company was, with the [18] Coast Guard. It didn't come to light except [19] on two five-minute segments of Channel 13.

[20] MR. ROBEY: Excuse me one minute. [21] I was just reminded that you weren't here [22] when we were talking about a time limit on

Page 16

[1] speakers.

[2] MR. HUGHES: Oh, yes.

[3] MR. ROBEY: So it will help you to [4] be able to gauge your time. We're five [5] minutes per speaker.

[6] MR. HUGHES: Five minutes. Very [7] good.

[8] Subject is grounding. There was a [9] double-skinned barge coming from [10] Philadelphia. The barge ST-112. It carried [11] 100,000 barrels of black oil. That 100,000 [12] barrels times 42 comes to well over 4 million [13] gallons.

[14] She was grounded right at the point [15] that we're discussing, from the "S" to the [16] Brewerton Channel approach.

That was on [17] April 18th. She ran full aground where her [18] stern, approximately 100 feet, was encased in [19] sand. Her bowl was up. The company called [20] us to see if there were tugs in the area that [21] could help.

[22] Luckily, we were going to

Page 17

[1] Philadelphia with a 50,000-barrel barge. So [2] within two hours we were along side helping [3] the tug that was originally towing this barge [4] and that was a 4400-horsepower tug. We were [5] 2400-horsepower.

[6] We finished pumping her out, we [7] came along side to light her. We lighted [8] the ship in two hours. Both tugs pushed her [9] off the siding into the channel and on she [10] went. No problems, thank goodness.

[11] The point is, if there had been a [12] problem, from Kent Island right down to the [13] neck and all those small ports along there [14] would have been flooded with black oil. It [15] would have been a, a catastrophe similar to [16] the Alaskan spill, Valdez, and that is what [17] we do not, do not want.

[18] So we consider safety as clean and [19] safety is a must. We're all for that. [20] We're, we are all, on both sides, we are all [21] environmentalists. We're just approaching [22] this problem a bit differently and I think

Page 18

[1] this denotes and spells out exactly what we [2] are afraid of, major spills.

[3] The same spot as where several [4] Maersh Line ships had problems but, with [5] black oil, and that's our business. We [6] operate 30-some barges and about 14 tugs [7] carrying the same product up and down the [8] Chesapeake Bay and up and down the coast.

[9] So gentlemen, that's, I think, my [10] five minutes.

[11] **MR. ROBEY:** Right.

[12] **MR. HUGHES:** I'm finished. So [13] that, with food for thought, I support, I [14] support these two improvements. Thank you.

[15] **MR. ROBEY:** Thank you, sir, [16] Ms. Beauregard.

[17] **MS. BEAUREGARD:** I'm grateful for [18] this opportunity to meet you because you have [19] been my life and I'm now 70. You have been [20] my life since 1937 when Max Fisher, Corps of [21] Engineers at Miami Beach, told Florida there [22] was only one street to Miami Beach and that

Page 19

[1] would be washed into the sea. Today, Max [2] Fisher's stream produced 72

streams called [3] Miami Beach, the richest real estate, the [4] richest commercial maritime, the cleanest, [5] healthiest fishing, as you know if you have [6] visited Florida.

[7] In 1952, after being discharged [8] from the Navy with my husband and a new baby, [9] we headed for Long Island where with the [10] Brother's Rockefeller Foundation, the Corps [11] of Engineers, there was no fish. The fish [12] were dead.

[13] We began resurrection, restoring [14] from Queens Long Island out to Montauk Point. [15] We bulkheaded every street canal which is no [16] different from Eastport, Maryland and other [17] places in Maryland. Today, the great South [18] Bay and from Seaford out to Montauk Point, [19] you have established the cleanest, finest [20] restoration, health preservation, protection [21] of aquatic life.

[22] So I come to you today to say here

Page 20

[1] I am at 70 and for 35 years I have been an [2] environmental lobbyist for the State of [3] Maryland. My love for your intelligence, [4] your wisdom and what I know you can do for [5] the entire country is that we brought Colonel [6] James Peck, who served 30 years, and Colonel [7] Martin Walsh who is a true engineer.

[8] I thought if I could get them, [9] because they were about to retire that we [10] would now have protected Assateague, [11] Chincoteague, Worcester County, Kent County. [12] Instead, here I am at age 70 and half of this [13] beloved State has been washed into the water. [14] That's unfair to you, the Corps of Engineers.

[15] So if you will teach me today how [16] to bring this as a nation's emergency need to [17] protect our country, to restore the size of [18] our country that has washed into the sea, [19] that's why I'm here. And thank you for [20] letting me share this.

[21] **MR. ROBEY:** Are there any other [22] speakers at the present time? Okay, that's

Page 21

[1] all I have on the list right now and I know [2] it will be in and out today.

[3] **MR. SCHALLER:** Is there a question [4] and answer?

[5] **MR. ROBEY:** Go ahead, sure.

[6] **MR. SCHALLER:** Just informal —

[7] **MR. ROBEY:** Sure, yes, yes.

[8] **MR. SCHALLER:** Just to clarify one [9] of the questions. I don't know if you want [10] my name for the record or not.

[11] **MR. ROBEY:** Yes, we do, yes. [12] Business card, also.

[13] **MR. SCHALLER:** Does the mic pick me [14] up? Most of the lunch is finished so.

[15] **MR. ROBEY:** Right.

[16] **MR. SCHALLER:** A couple of [17] questions. My name's Charles Schaller. I'm [18] an attorney in town, represent the County [19] Commissioner's of Queen Anne's County and [20] appreciate the opportunity to appear before [21] the panel. The County Commissioner's support [22] the dredging and the navigational safety for

Page 22

[1] the shipping interest in the Chesapeake Bay [2] to be clear. One of the questions I have [3] relates to the executive summary and the [4] public notices that have been distributed.

[5] I heard today, Poplar Island is the [6] disposal location or shall we say dredged [7] material placement location, but it also says [8] here, HMI, Heart-Miller Island. Is it final [9] that the material will be going to Poplar or [10] is the material going to Heart-Miller? I'm [11] looking for clarification.

[12] **MR. ROBEY:** Jeff, do you want to [13] clarify that.

[14] **MR. MCKEE:** The material is [15] currently planned to go to Poplar Island from [16] both the Brewerton Extension widening and the [17] Tolchester S-Turn straightening. The public [18] notice does have both of them listed in there [19] but the primary intent is to go to Poplar. [20] Heart-Miller would be a fallback if for some [21] reason we needed additional capacity or there [22] was something else that we needed to, for

Page 23

[1] some other reason we needed to use Heart- [2] Miller Island.

[3] **MR. SCHALLER:** Follow up question. [4] The material that's being dredged from the [5] S-Turn straightening and from the Brewerton [6] Channel, how do we say this. Has the Corps [7] done a TCLP analysis as far as metals, [8] chemicals? Is it "clean material" or is it [9] contaminated material?

[10] **MR. MCKEE:** We haven't done a TCLP [11] analysis, which is for landfill areas.

[12] **MR. SCHALLER:** Right.

[13] **MR. MCKEE:** We have done a sediment [14] analysis, an elutriate analysis and the [15] Tolchester material is currently undergoing [16] tier-2 and tier-3 analyses as well. We just [17] don't have the results back at this point in [18] time.

[19] **MR. SCHALLER:** Pursuant to the [20] Inland Testing Manual?

[21] **MR. MCKEE:** Pursuant to the Inland [22] Testing Manual.

Page 24

[1] **MR. SCHALLER:** And so at this time [2] we don't know whether the material is [3] contaminated?

[4] **MR. MCKEE:** At this point in time [5] we've just got preliminary results back. We [6] don't have it from the tier-2s and tier-3s. [7] That's currently being looked at.

[8] **MR. SCHALLER:** Then the comment [9] would be that I request that the record [10] remain open until that material is provided [11] so that people can provide comment on that.

[12] **MR. MCKEE:** The, the Tolchester [13] Channel environmental assessment is currently [14] being drafted and it will be circulated for [15] full public review, yes.

[16] **MR. SCHALLER:** And so we'll go back [17] on a comment period for that area —

[18] **MR. MCKEE:** We'll go back, yes. [19] That's correct.

[20] **MR. SCHALLER:** Thank you.

[21] **MR. ROBEY:** Good question.

[22] **MS. BEAUREGARD:** Would you take a

Page 25

[1] question?

[2] **MR. ROBEY:** Sure.

[3] **MS. BEAUREGARD:** Which department [4] are you now located? It used to be the [5] Department of Interior but then after 1980 [6] they closed the Department of Interior.

[7] **MR. ROBEY:** That's not correct.

[8] **MS. BEAUREGARD:** and Congress [9] did that, cut your budget then they cut you [10] down. So tell me where you are located.

[11] **MAJ. FLEMING:** If I understand your [12] question correctly, the Corps of Engineers is [13] an arm of the Department of the Army which, [14] of course, is part of the Department of [15] Defense. So that is the chain that we [16] follow. Does that answer your question.

[17] **MS. BEAUREGARD:** And your budget, [18] who makes the decision on your budget?

[19] **MAJ. FLEMING:** Specifically on [20] civil works projects, I imagine you're [21] talking about? It is Congress that makes the [22] decisions on these particular projects; which

Page 26

[1] projects get funded and which projects don't [2] get funded.

[3] **MS. BEAUREGARD:** And so if [4] were truly not American, wishing to protect [5] our country, you would not give your projects [6] the maximum potential of

urgency.

[7] **MAJ. FLEMING:** I'm not quite sure I [8] understand.

[9] **MS. BEAUREGARD:** If, if we have [10] adults in Congress who are for of the [11] United States they might keep us from [12] restoring the United States. They keep us [13] from you by cutting your budget and saying [14] it's not necessary.

[15] **MAJ. FLEMING:** Sure, that's, that's [16] a valid assumption to make. Absolutely.

[17] **MS. BEAUREGARD:** Thank you. Then [18] that's what we have to change, the opinions [19] of Congress. Thank you.

[20] **MAJ. FLEMING:** You're welcome.

[21] **MR. ROBEY:** Any other questions? [22] Comments?

Page 27

[1] Why don't we just take a couple of [2] minutes stretch break and possibly some folks [3] will have some ideas, okay? Thank you.

[4] (Recess)

[5] **MR. ROBEY:** Welcome back. We have [6] another panelist who has joined us up here, [7] Mr. Frank Hamons. I don't think he wants to [8] talk right now, though. Our next speaker [9] and, remember, we're, were going in some [10] reasonable order, I think, today. This is [11] former Congresswomen Helen Bentley. Is that [12] mic okay for you?

[13] **MS. BENTLEY:** That's mic fine.

[14] **MR. ROBEY:** Great. Welcome.

[15] **MS. BENTLEY:** I came down, I really [16] came here to observe rather than to talk.

[17] **MR. ROBEY:** No, we weren't going to [18] let you do that.

[19] **MS. BENTLEY:** I know. That's what [20] I found out when Charlie Walker got me up at [21] the door. He said you're on. [22] I guess I've been around the

Page 28

[1] dredging of channels concerning the Port of [2] Baltimore longer than most of you combined in [3] here, 52 years and involving every phrase of [4] it. We've done a lot of good work, the 50- [5] foot channel. We did a lot when we got the [6] 35-foot channel up to the C&D canal.

[7] But there were a couple of points, [8] and that's what this hearing is all about [9] today, going up to the C&D and back from the [10] C&D that have remained a question of concern [11] for many, many years and that is, of course, [12] the Tolchester S-Curve and the Brewerton [13] Channel right there where it's not wide [14] enough for the turn.

[15] The pilots, and they are going to [16] be here, I understand, later, have long been [17] pushing for those two areas to

be [18] straightened out on a matter of safety. And [19] we began getting the project authorized and [20] approved in Congress in the late '80's, the [21] 1980's in order to ascertain whether or not [22] these projects should have the support of the

Page 29

[1] Federal budget and the Corps of Army [2] Engineers and everything that we saw coming [3] down the line definitely pointed to the fact [4] that these matters should be taken care of.

[5] Just recently, and I understand [6] that Chuck Hughes talked to you a little bit [7] about the Hess oil tanker that went aground [8] up in the Tolchester area because of high [9] winds, and that happens frequently up in the [10] upper part of the Bay whenever you have any [11] bad weather conditions where it takes a lot [12] of extra, extra, extra effort to make [13] sure that you don't have groundings and [14] problems.

[15] But this is what we found when we [16] were pushing to have these projects first [17] authorized and then appropriated. I want to [18] say that I think the Corps is to be commended [19] for moving ahead on these projects and I hope [20] we can get them behind us very soon and start [21] worrying about something else.

[22] Thank you very much for your panels

Page 30

[1] today and you're going to hear from the [2] expert over there on the end. I put him, the [3] expert, at the end. Thank you.

[4] **MR. ROBEY:** Thank you. [5] Our next speaker is Cathleen [6] Bramble and then following her will be Kim [7] Coble, did I pronounce it correctly?

[8] **MS. COBLE:** Uh-huh.

[9] **MR. ROBEY:** Oh, good. I'm doing [10] well today. Yes, ma'am, we're, we're tying [11] to stick to five minute times and I'm the [12] hook. I have this little sign that I hang. I [13] haven't had to hang it once today, I might [14] add.

[15] **MS. BRAMBLE:** You may flash it at [16] any time.

[17] **MR. ROBEY:** Okay, thank you.

[18] **MS. BRAMBLE:** I'd just like to [19] express our concerns. A couple, one [20] relatively minor concern is, of course, the [21] shore erosion but the big concern that we [22] have is safety. We are at Tolchester Marina.

Page 31

[1] We own Tolchester Marina and a few years back [2] there was a child who was on the public [3] landing right adjacent to our property who [4] was dragged out by a ship's wake and drowned. [5] We, prior

to that time, had many instances [6] where a ship's wake come across our beach, [7] across our parking lot and into our entry of [8] the marina and after that unfortunate time [9] the ships did slow down for a couple of years [10] and since then I have personally called the [11] pilots a few years ago because of the wakes [12] that are coming across our property.

[13] Three years ago we put in a [14] swimming pool and they put lattice all around [15] at the bottom of the pool and the next day, [16] the ship's wake knocked it all down. We [17] frequently have large pieces of driftwood and [18] things that are washed across.

[19] Our jersey barriers have been moved [20] by ship's wakes and, of course, there are [21] factors. Depends on, I guess whether the [22] ships are loaded and the larger ships and how

Page 32

[1] fast they're going but if the straightening [2] of the channel allows them to go faster or [3] allows bigger ships carrying more load to [4] come through then we have a real concern that [5] something could happen to people on our beach [6] or anywhere along there.

[7] **MR. ROBEY:** Thank you. Thank you. [8] No, you have another two minutes. Any other [9] comments there? Okay, Ms. Kim Coble.

[10] **MS. COBLE:** I'm Kim Coble. I'm the [11] Senior Scientist for the Chesapeake Bay [12] Foundation and I appreciate the opportunity [13] to come today to talk to you folks. Jen [14] Aiosa is the other scientist on staff who's [15] the lead scientist on these issues and had [16] the wherewithal to go on vacation so I'm [17] actually filling her shoes today, ever so [18] slightly filling her shoes.

[19] At this point, we have a couple of [20] concerns that we feel are significant that [21] leave questions and it's hard to take a [22] position on these issues until these

Page 33

[1] questions and issues get resolved and I'd [2] like to just spell those out today. We will [3] be submitting written testimony or written [4] concerns in more detail by the deadline.

[5] First of all, the two proposed [6] projects which are considered to be new work [7] by your definition will generate about five [8] and a half million cubic yards by the [9] information we were given. And it's supposed [10] to be placed at either Poplar Island or [11] Heart-Miller Island.

[12] However, in the 1990 draft EIS for [13] Site 104, there was a clear connection made [14] between the need for Site 104 capacity to [15] accommodate new work

projects including [16] Brewerton and Tolchester projects. The draft [17] environmental impact statement goes on to [18] state that channel maintenance would be [19] possible without utilizing Site 104 but that [20] there's no capacity for new work without it. [21] And that was on page 2-46 of the [22] Environmental Impact Statement.

Page 34

[1] The Corps' current public notice [2] for Brewerton and Tolchester Channels appears [3] to overlook that placing new work material at [4] Poplar and Heart-Miller Islands will shorten [5] their lives and thus limit the disposal [6] options for maintenance sediment.

[7] Eventually by replacing the [8] capacity for maintenance sediment with new [9] works, eventually there'll be no capacity, [10] there will be no place to put the maintenance [11] sediment which leads us to our ultimate [12] concern. Is it appropriate to use existing [13] disposal capacity for new projects without [14] first knowing whether Site 104 capacity will [15] be authorized? And that's a question, a [16] significant question we have on these [17] particular projects.

[18] A second concern for us is for [19] dealing with the proposed projects is whether [20] an assessment for nitrogen and phosphorus [21] release have been made and whether the [22] cumulative impacts of such releases during

Page 35

[1] the summer and fall months has been made. As [2] you're, I'm sure, well aware and the [3] Chesapeake Bay Foundation is extremely aware [4] that nutrients are a major problem for the [5] Bay. And there are a lot of resources and [6] efforts that are put into reducing nutrients, [7] loadings to the Bay. And it seems that we [8] really need to be cognizant of not only the [9] quantity of nutrients that will be generated [10] by these projects but the impact of that [11] extra additional loading.

[12] And lastly, this is more of a [13] statement for the record. CBF has requested [14] in writing a public hearing on these proposed [15] projects prior to the commencement of them or [16] decision of them. And today's public [17] information workshops, which, again, I [18] commend you for having, do not replace the [19] need for nor the contribution a public [20] hearing would have and we continue to request [21] a public hearing on these proposed projects. [22] Thank you.

Page 36

[1] **MR. ROBEY:** Thank you. Do we have [2] any other speakers at this time? Any [3] comments at all? Any discussion? People

[4] want to —

[5] **MS. BENTLEY:** I would like to be [6] able to submit a written statement because I [7] did not come down here prepared to —

[8] **MR. ROBEY:** Yes, ma'am. In fact, [9] anybody who is here may do that. Anybody may [10] do that. The, the actual period goes through [11] 8 May for closing. Any other comments?

[12] **MS. BENTLEY:** Is this a public [13] meeting or not?

[14] **MR. ROBEY:** Yes, ma'am.

[15] **MS. BENTLEY:** Then why do we need [16] another public hearing on this subject?

[17] **MS. CORREALE:** I think Mrs. [18] Bentley's question was, is this a public [19] meeting and if so, why do we need another [20] public hearing? We published the public [21] notices pursuant to section 404 of the Clean [22] Water Act which addresses discharge of

Page 37

[1] dredged or fill material into waters of the [2] U.S. And we are required by law to include a [3] statement offering a public hearing and in [4] our regulations, and if you want to look them [5] up it's 33 CFR 327 and I can get you the [6] point a little bit later.

[7] I didn't bring those regs with me [8] but if people write in and request a public [9] hearing, the district engineer has a number [10] of options available to him. He may decide [11] that no public hearing is warranted. He may [12] decide something other than a formal public [13] hearing would be held or he may hold a formal [14] public hearing.

[15] And we elected to go with the [16] middle ground, which is the purpose of this [17] public information workshop that we're having [18] today. And so, if you have comments, we [19] really want you to send them in. I hope that [20] answers your questions.

[21] **MS. COBLE:** Does that conclusively [22] mean you will be not having a public hearing?

Page 38

[1] **MS. CORREALE:** Well, he's already [2] made that decision.

[3] **MS. COBLE:** News to us.

[4] **MS. CORREALE:** Yes, ma'am.

[5] **MS. BEAUREGARD:** You have some [6] complication this week. The Naval Institute [7] has been meeting since the 25th. They're [8] upstairs, the year of 1950-something, but [9] they're meeting all over the state. The [10] Naval Institute is also meeting in the Naval [11] Academy which keeps your upper class and your [12] staff with the environmentalist from



today's [13] meeting. Your environmental working people [14] don't get off work until about 5:00 or 6:00.

[15] You should have some but you do [16] have an opportunity to hold this forum in an [17] atmosphere conducive from what we have just [18] said. You have. There is a new [19] superintendent at. There's, [20] Locklear, Samuel Locklear, who could arrange [21] for a Saturday or Sunday after church times. [22] You'd have thousands filled.

Page 39

[1] If you wish to have a third [2] hearing, we have the Legislative Service [3] Building protocol of the State of Maryland [4] where Senators and Delegates of the 23 [5] counties concerned could meet, so sometimes [6] public affairs does not do it's job [7] correctly.

[8] **MS. CORREALE:** Well, ma'am, we [9] appreciate your comments. If I could explain [10] a little bit about the public information [11] outreach that we've attempted to do here. We [12] did put out the original 404 public notice. [13] I believe that was sometime in February, [14] wasn't it Jeff?

[15] The original public notice went out [16] on February 18th to let people know we were [17] planning to do the project. There were a [18] number of requests for meetings and/or [19] hearings and we put out an additional public [20] notice advertising this public meeting today, [21] as well as advertisements in a number of [22] newspapers including the Baltimore Sun, the

Page 40

[1] Annapolis Capitol, the Star Democrat, the [2] Kent County News among others. And we have [3] also written directly to the congressional [4] delegation and let them know that we were [5] holding this public information workshop [6] today so that they could get the word out to [7] any constituents that they felt might not [8] have been notified about the meeting.

[9] So we're providing this opportunity [10] and we welcome everybody's comments and we [11] hope you'll make them whether you make them [12] here today or you make them here today as [13] well as provide them in writing. We're going [14] to consider every single comment that's made [15] about these projects. Thank you.

[16] **MR. ROBEY:** Any other comments? [17] Any other speakers? Have they come in and [18] I'm not aware of it? [19] Well, with that, let's take about [20] ten minutes and let's take a break. Thank [21] you. Let me look at watch here; 3:30, sounds [22] good.

Page 41

[1] (Recess)

[2] **MR. ROBEY:** If we can get back and [3] get started again. I understand we have a [4] speaker. Somebody wants to read a letter [5] into the record.

[6] I'll introduce you after that. Get [7] everybody in. If we're not ready, I'll go in [8] and introduce you.

[9] Let me introduce Colonel Bruce [10] Berwick. He's back from doing some other [11] assignments elsewhere. We welcome him to the [12] panel.

[13] **COLONEL BERWICK:** Thank you.

[14] **MR. ROBEY:** Are you pretty ready, [15] pretty well ready? We have a mic and if you [16] give your name to start off for the record. [17] If you're reading a letter, I gather me [18] mentioning to you that we're working on a [19] five minute limit probably doesn't mean a [20] whole lot, does it. Thank you.

[21] **CAPT. SMITH:** Colonel Berwick, [22] others, my name is Joseph Smith. I'm a

Page 42

[1] second Vice President with Maryland Pilots. [2] I'm going to take that candy out of my mouth.

[3] This is Eric Nielsen, Secretary [4] with the Pilots Association. I do have a [5] letter here from Captain Mike Watson. He is [6] at the IMPA Convention in Hawaii and asked us [7] to step forward and submit this and we'd be [8] happy to answer any questions. We've been [9] piloting ships for 20 years up and down the [10] Bay, up through the Canal past all these [11] areas in question. Eric's been here for 12 [12] years and let me read this for you.

[13] "This letter will express our full [14] support for the straightening of the [15] Tolchester Channel and the widening of the [16] Brewerton Channel Eastern Extension. These [17] projects are of vital concern to our [18] membership, to the user's of the Port of [19] Baltimore and to other Port and Chesapeake [20] Bay interests regarding navigation of safety [21] approach channels to Baltimore. [22] These two projects are of high

Page 43

[1] priority and interest in navigational needs [2] of vessels calling the port and we are [3] requesting that you complete these projects [4] as expeditiously as possible.

[5] "Tolchester Channel was originally [6] designed to utilize natural deep water in [7] order to minimize dredging costs and allow to [8] increase vessel loads. This resulted in the [9] creation of an S-Turn at the northern end of [10] the Canal. As vessel size has increased, the [11] S-Turn has become more difficult and [12] groundings have resulted.

[13] "Subsequent modifications and [14]

additional buoys have addressed the problem [15] but only in part. Pilots continue to report [16] close calls and near misses especially during [17] periods of reduced visibility and during [18] winter ice. A straightened channel will have [19] many advantages, increasing navigational [20] safety, reducing the potential for marine [21] accidents, and thereby helping to protect the [22] Chesapeake Bay environment.

Page 44

[1] "The widening of the Brewerton [2] Extension Channel to 600 feet was authorized [3] onto the Baltimore 50-foot Channel Project [4] and it's long overdue. This channel section [5] is only 450 feet in width, a width that lies [6] well below the Corps of Engineers criteria [7] for channel design, especially since this [8] area is exposed to high winds and cross [9] currents.

[10] "In adverse wind and weather [11] conditions, a vessel is forced to crab [12] through this narrow channel, sweeping a path [13] much wider than the beam of the vessel. We [14] consider this to be an extremely important [15] safety issue of highest priority.

[16] "Tolchester and Brewerton Extension [17] Channels are part of the northern approach [18] channels to the Chesapeake and Delaware Canal [19] to Baltimore. They form an important [20] waterway serving the port. The channel [21] system is used by large container ships, auto [22] carriers and many other vessels.

Page 45

[1] "As ships have grown in size, the [2] need to make minor modifications and a [3] channel system has become apparent. With the [4] cooperation and guidance of the Corps of [5] Engineers some of these modifications have [6] been achieved but the problem areas still [7] remain. We request that you act to complete [8] the Tolchester straightening and the [9] Brewerton Extension widening at the earliest [10] possible date.

[11] "We are happy to provide this [12] written documentation along with our spoken [13] testimony in support of early accomplishment [14] of this crucial channel modification [15] projects. We'll be pleased to provide to you [16] any additional information you may require.

[17] "Captain Michael Watson, President, [18] Association of Maryland Pilots."

[19] That's all I have. I will be happy [20] to answer any questions anyone might have. [21] I'm extremely familiar with the area, up and [22] down there every day.

Page 46

[1] **MR. ROBEY:** Any questions or [2] comments?

[3] **MAJ. FLEMING:** Thank you very much.

[4] **MR. ROBEY:** Thank you.

[5] Do we have any other comments or do  
[6] we have any other speakers at this  
time? Any [7] discussion? Okay. We will  
just sit and take [8] a break for another 15  
minutes and wait and [9] see how things  
go. Thank you.

[10] (Recess)

[11] **MR. ROBEY:** I notice the time. Are [12]  
there any other speakers? I don't think  
so. [13] With that, we appreciate you all  
being here [14] today and good evening.

[15] (Whereupon, at 8:01 p.m., the [16]  
PROCEEDINGS were adjourned.)

## Lawyer's Notes

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<p><b>1</b></p> <p>1 7:19 100 14:16; 16:18 100,000 16:11, 11 104 33:13, 14, 19; 34:14 105 11:13 12 42:11 13 15:19 14 18:6 15 46:8 150 9:10 1706 9:16 18th 16:17; 39:16 1937 18:20 1950-something 38:8 1952 19:7 1980 25:5 1980's 28:21 1990 15:4; 33:12 1:00 3:7</p>	<p><b>5</b></p> <p>50 10:11; 28:4 50,000-barrel 17:1 50-foot 13:8; 44:3 52 28:3 5:00 38:14</p> <p><b>6</b></p> <p>600 7:8, 11; 8:3, 7; 11:1; 44:2 600-foot 13:6 6:00 38:14</p> <p><b>7</b></p> <p>70 18:19; 20:1, 12 72 19:2</p> <p><b>8</b></p> <p>8 36:11 80 9:5, 14 80's 28:20 800 11:1, 13 8:00 6:4, 7, 8 8:01 46:15 8th 4:10</p>	<p>advertising 39:20 aerial 7:18 affairs 39:6 afraid 18:2 afternoon 2:2; 3:4; 9:1 Again 5:13; 6:11; 8:12; 35:17; 41:3 age 20:12 ago 10:6; 14:16; 15:7; 31:11, 13 aground 16:17; 29:7 ahead 6:13; 21:5; 29:19 Aiosa 32:14 Alaskan 17:16 allow 43:7 allows 32:2, 3 almost 9:5, 13 along 17:2, 7, 13; 32:6; 45:12 although 9:17, 18 always 13:7; 14:19 American 26:4 among 40:2 analyses 23:16 analysis 23:7, 11, 14, 14 and/or 39:18 Annapolis 40:1 Anne's 21:19 apparent 45:3 appear 21:20 appearing 13:21 appears 34:2 appreciate 21:20; 32:12; 39:9; 46:13 approach 16:16; 42:21; 44:17 approaching 9:8, 16; 17:21 appropriate 34:12 appropriated 29:17 approved 28:20 approximately 7:14; 16:18 April 16:17 aquatic 19:21 area 2:10, 12; 3:9; 16:20; 24:17; 29:8; 44:8; 45:21 areas 13:17; 23:11; 28:17; 42:11; 45:6 arm 25:13 Army 25:13; 29:1 around 27:22; 31:14 arrange 38:20 ascertain 28:21 Assateague 20:10 assessment 24:13; 34:20 assignments 41:11 Association 42:4; 45:18 assumption 26:16 atmosphere 38:17 attempted 39:11</p>	<p>attorney 21:18 authorized 7:8; 13:6, 9; 28:19; 29:17; 34:15; 44:2 auto 44:21 available 37:10 aware 35:2, 3; 40:18</p> <p><b>B</b></p> <p>baby 19:8 back 7:18, 18; 23:17; 24:5, 16, 18; 27:5; 28:9; 31:1; 41:2, 10 background 4:3, 5; 15:6 bad 29:11 Baltimore 3:12; 9:3, 7, 20; 12:12; 28:2; 39:22; 42:19, 21; 44:3, 19 barge 13:19; 16:9, 10; 17:1, 3 barges 14:22; 15:4; 18:6 barrels 16:11, 12 barriers 31:19 Bay 2:14, 18; 3:21; 4:6, 7; 5:4; 10:17; 15:9; 18:8; 19:18; 22:1; 29:10; 32:11; 35:3, 5, 7; 42:10, 20; 43:22 Beach 8:2; 18:21, 22; 19:3; 31:6; 32:5 beam 44:13 Beauregard 18:16, 17; 24:22; 25:3, 8, 17; 26:3, 9, 17; 38:5 become 43:11; 45:3 becoming 13:4 began 19:13; 28:19 behalf 5:14; 6:11 behind 8:21; 29:20 beloved 20:13 below 44:6 Bentley 27:11, 13, 15, 19; 36:5, 12, 15 Bentley's 36:18 Berwick 3:5; 5:14; 6:12; 41:10, 13, 21 best 8:18 big 4:5; 30:21 bigger 12:21; 32:3 Bill 15:3 biological 4:4 bit 6:17; 17:22; 29:6; 37:6; 39:10 black 16:11; 17:14; 18:5 block 3:16 blowing 11:3 board 10:9 boats 14:21 Born 2:13 both 4:3, 10; 17:8, 20; 22:16, 18 bottom 15:5; 31:15 bowl 16:19 Bramble 30:6, 15, 18</p>	<p>break 27:2; 40:20; 46:8 Brewerton 2:4; 7:7; 12:18; 13:4; 15:12; 16:16; 22:16; 23:5; 28:12; 33:16; 34:2; 42:16; 44:1, 16; 45:9 brief 8:14 briefly 5:8 bring 20:16; 37:7 bringing 10:20 Brother's 19:10 Brothers 14:15 brought 20:5 Bruce 41:9 Bud 9:2; 10:20; 12:21 budget 25:9, 17, 18; 26:13; 29:1 building 11:8; 39:3 bulkheaded 19:15 buoys 43:14 business 9:6; 11:16; 12:9; 14:20; 18:5; 21:12 butcher 3:15</p>
<p><b>2</b></p> <p>2 8:7 2-46 33:21 2.3 7:14 2.8 8:11 20 42:9 23 39:4 2400-horsepower 17:5 25th 38:7 29 12:8</p>	<p><b>A</b></p> <p>ability 11:6 able 13:14; 16:4; 36:6 Absolutely 26:16 Academy 38:11 accidents 43:21 accommodate 33:15 accomplished 14:2 accomplishment 45:13 achieved 45:6 across 10:17; 31:6, 7, 12, 18 Act 36:22; 45:7 acting 3:8 actions 8:15 actual 36:10 actually 32:17 add 30:14 additional 22:21; 35:11; 39:19; 43:14; 45:16 addressed 43:14 addresses 36:22 adjacent 31:3 adjourned 46:16 adults 26:10 advantages 43:19 adverse 44:10 advertisements 39:21</p>			<p><b>C</b></p> <p>C&amp;D 28:6, 9, 10 called 16:19; 19:2; 31:10 calling 6:20; 43:2 calls 43:16 came 17:7; 27:15, 16 can 2:11; 3:20, 22; 5:3; 6:7; 7:3; 8:18; 10:3; 20:4; 24:11; 29:20; 37:5; 41:2 canal 19:15; 28:6; 42:10; 43:10; 44:18 candy 42:2 Canton 9:4 capacity 22:21; 33:14, 20; 34:8, 9, 13, 14 Capitol 40:1 CAPT 41:21 Captain 42:5; 45:17 card 21:12 care 3:15; 29:4 careful 15:1 carried 9:19; 16:10 Carriers 12:2; 44:22 carrying 18:7; 32:3 catastrophe 17:15 catastrophic 15:9 Cathleen 30:5 CBF 35:13 certainly 9:14, 18 CFR 37:5 chain 25:15 Chairman 12:10 chance 4:22 chandlers 14:16 change 26:18 Channel 2:4, 5; 8:2, 6, 9; 12:18, 20; 13:9; 15:12, 19; 16:16; 17:9; 23:6; 24:13;</p>
<p><b>3</b></p> <p>30 20:6 30-some 18:6 300 9:13, 16, 19 327 37:5 33 37:5 35 7:8, 9; 8:3, 7; 20:1 35-foot 28:6 3:00 3:7 3:30 40:21</p> <p><b>4</b></p> <p>4 16:12 40-foot 11:13 400 10:20, 21 404 36:21; 39:12 42 16:12 4400-horsepower 17:4 450 7:10; 44:5</p>				

28:5, 6, 13; 32:2; 33:18;  
 42:15, 16; 43:5, 18; 44:2,  
 3; 4, 7, 12, 20; 45:3, 14  
**channels** 9:7; 10:21;  
 11:6, 15; 28:1; 34:2; 42:21;  
 44:17, 18  
**Charles** 14:4, 14; 21:17  
**Charlie** 27:20  
**charter** 5:17  
**chemical** 4:4  
**chemicals** 23:8  
**Chesapeake** 18:8; 22:1;  
 32:11; 35:3; 42:19; 43:22;  
 44:18  
**child** 31:2  
**Chincoteague** 20:11  
**Chuck** 13:20; 29:6  
**church** 38:21  
**circulated** 24:14  
**Civil** 3:9; 25:20  
**clarification** 22:11  
**clarify** 21:8; 22:13  
**class** 38:11  
**clean** 17:18; 23:8; 36:21  
**cleanest** 19:4, 19  
**clear** 22:2; 33:13  
**Cliff** 3:13  
**close** 8:3; 43:16  
**closed** 25:6  
**closing** 36:11  
**coast** 12:5; 15:18; 18:8  
**coat** 3:20  
**Coble** 30:7, 8; 32:9, 10,  
 10; 37:21; 38:3  
**cognizant** 35:8  
**Colonel** 3:5, 7; 5:14; 6:11;  
 20:5, 6; 41:9, 13, 21  
**colonel's** 5:10  
**combined** 28:2  
**coming** 16:9; 29:2; 31:12  
**command** 3:10  
**commencement** 35:15  
**commend** 35:18  
**commended** 29:18  
**comment** 24:8, 11, 17;  
 40:14  
**comments** 4:11; 26:22;  
 32:9; 36:3, 11; 37:18; 39:9;  
 40:10, 16; 46:2, 5  
**commerce** 12:15  
**commercial** 19:4  
**Commissioner's** 21:19,  
 21  
**Committee** 12:11  
**companies** 12:13  
**Company** 14:15; 15:17;  
 16:19  
**complete** 43:3; 45:7  
**complication** 38:6  
**compromises** 13:10, 12  
**concern** 28:10; 30:20,  
 21; 32:4; 34:12, 18; 42:17  
**concerned** 39:5

**concerning** 28:1  
**concerns** 30:19; 32:20;  
 33:4  
**conclusively** 37:21  
**conditions** 29:11; 44:11  
**conducive** 38:17  
**Congress** 25:8, 21;  
 26:10, 19; 28:20  
**congressional** 40:3  
**Congresswomen** 27:11  
**connection** 33:13  
**consider** 17:18; 40:14;  
 44:14  
**considered** 33:6  
**constituents** 40:7  
**consulting** 2:21  
**Container** 12:2, 4; 44:21  
**contaminated** 23:9; 24:3  
**continue** 13:16; 35:20;  
 43:15  
**contract** 12:5  
**contribution** 35:19  
**Convention** 42:6  
**cooperation** 45:4  
**Corps** 2:16, 16; 5:18;  
 18:20; 19:10; 20:14; 23:6;  
 25:12; 29:1, 18; 34:1; 44:6;  
 45:4  
**CORREALE** 36:17; 38:1,  
 4; 39:8  
**correctly** 25:12; 30:7;  
 39:7  
**costs** 43:7  
**Council** 12:2  
**counties** 39:5  
**country** 11:17; 20:5, 17,  
 18; 26:5  
**County** 20:11, 11; 21:18,  
 19, 21; 40:2  
**couple** 6:16; 10:5; 21:16;  
 27:1; 28:7; 30:19; 31:9;  
 32:19  
**course** 14:22; 15:3;  
 25:14; 28:11; 30:20; 31:20  
**court** 4:13, 13  
**crab** 44:11  
**creation** 43:9  
**criteria** 44:6  
**critical** 6:2  
**cross** 44:8  
**crucial** 45:14  
**cubic** 7:14; 33:8  
**cumulative** 34:22  
**current** 34:1  
**currently** 7:6, 9; 8:2;  
 22:15; 23:15; 24:7, 13  
**currents** 44:9  
**cut** 25:9, 9  
**cutting** 26:13

## D

**dangerous** 13:2  
**date** 45:10  
**day** 31:15; 45:22  
**days** 14:20; 15:7, 15  
**dead** 19:12  
**deadline** 33:4  
**dealing** 34:19  
**Debbie** 3:14  
**decide** 37:10, 12  
**decision** 25:18; 35:16;  
 38:2  
**decisions** 25:22  
**deep** 7:9, 9; 8:3, 7; 43:6  
**deeper** 12:22  
**Defense** 25:15  
**definitely** 29:3  
**definition** 33:7  
**Delaware** 44:18  
**Delegates** 39:4  
**delegation** 40:4  
**Democrat** 40:1  
**denotes** 18:1  
**department** 25:3, 5, 6,  
 13, 14  
**Depends** 31:21  
**depth** 11:5; 13:6  
**depths** 10:14  
**Deputy** 3:8  
**describe** 15:7  
**deserves** 9:22  
**design** 44:7  
**designed** 43:6  
**detail** 13:22; 33:4  
**Detweiler** 8:22; 11:22;  
 12:1  
**different** 6:21; 19:16  
**differently** 17:22  
**difficult** 43:11  
**directly** 40:3  
**director** 3:22; 12:1  
**disaster** 13:20  
**discharge** 36:22  
**discharged** 19:7  
**discussing** 16:15  
**discussion** 12:16; 36:3;  
 46:7  
**disposal** 22:6; 34:5, 13  
**dispose** 13:14  
**distributed** 22:4  
**District** 3:8, 12; 5:14;  
 37:9  
**disturbing** 15:8  
**division** 3:22  
**documentation** 45:12  
**Don** 2:7; 5:12; 6:3, 14  
**done** 9:4; 23:7, 10, 13;  
 28:4  
**door** 27:21

**double** 15:5, 5  
**double-hulled** 15:4  
**double-skinned** 16:9  
**down** 7:16; 8:13; 11:4;  
 17:12; 18:7, 8; 25:10;  
 27:15; 29:3; 31:9, 16; 36:7;  
 42:9; 45:22  
**draft** 11:13; 33:12, 16  
**drafted** 24:14  
**dragged** 31:4  
**dredged** 7:15; 22:6; 23:4;  
 37:1  
**dredging** 7:14; 12:17;  
 13:7; 21:22; 28:1; 43:7  
**driftwood** 31:17  
**drowned** 31:4  
**dug** 13:9  
**during** 12:9; 34:22;  
 43:16, 17

## E

**earliest** 45:9  
**early** 6:4; 14:20; 45:13  
**easily** 11:12  
**East** 12:4  
**eastern** 7:11; 12:18;  
 42:16  
**Eastport** 19:16  
**economic** 9:12  
**Ed** 3:5  
**effort** 29:12  
**efforts** 35:6  
**eight** 15:7  
**EIS** 33:12  
**either** 33:10  
**elected** 37:15  
**else** 10:10; 14:5; 22:22;  
 29:21  
**elsewhere** 41:11  
**elutrviate** 23:14  
**emergency** 20:16  
**employee** 2:16  
**employees** 9:9  
**encased** 16:18  
**end** 40:2, 3; 43:9  
**engaged** 12:8, 14  
**engine** 9:12  
**Engineer** 3:8; 5:15; 20:7;  
 37:9  
**Engineers** 5:18; 18:21;  
 19:11; 20:14; 25:12; 29:2;  
 44:6; 45:5  
**enough** 28:14  
**entire** 12:9, 13; 20:5  
**entry** 31:7  
**environment** 43:22  
**Environmental** 4:2;  
 13:20; 20:2; 24:13; 33:17,  
 22; 38:13  
**environmentalist** 38:12  
**environmentalists**

17:21  
**environmentally-**  
**friendly** 10:4  
**Eric** 42:3  
**Eric's** 42:11  
**erosion** 30:21  
**especially** 13:3; 43:16;  
 44:7  
**established** 19:19  
**estate** 19:3  
**evaluated** 7:6  
**evening** 46:14  
**Eventually** 34:7, 9  
**everybody** 4:15, 21; 6:1;  
 10:8, 9; 41:7  
**everybody's** 6:18; 40:10  
**exactly** 5:10; 18:1  
**except** 15:18  
**Excuse** 14:11; 15:20  
**executive** 22:3  
**existing** 8:8; 34:12  
**expeditiously** 43:4  
**Experiment** 2:17; 4:1  
**expert** 30:2, 3  
**explain** 39:9  
**exposed** 44:8  
**express** 30:19; 42:13  
**Extension** 2:4; 7:7;  
 12:18; 13:4; 22:16; 42:16;  
 44:2, 16; 45:9  
**extra** 29:12, 12, 12, 12;  
 35:11  
**extremely** 35:3; 44:14;  
 45:21

## F

**facile** 13:15  
**fact** 3:19; 5:6; 29:3; 36:8  
**factor** 10:17  
**factors** 31:21  
**factual** 3:2  
**fall** 35:1  
**fallback** 22:20  
**falls** 3:9  
**familiar** 45:21  
**family** 2:13; 9:5, 6  
**fancy** 9:18  
**far** 3:14; 23:7  
**fast** 3:1; 32:1  
**faster** 10:10; 32:2  
**February** 39:13, 16  
**federal** 9:22; 29:1  
**feel** 32:20  
**feet** 7:8, 9, 9, 10, 11; 8:3,  
 3, 7, 7; 11:13, 14; 16:18;  
 44:2, 5  
**felt** 40:7  
**few** 2:12; 31:1, 11  
**fill** 8:10; 37:1  
**filled** 38:22  
**filling** 32:17, 18

final 22:8  
fine 10:22; 11:1; 27:13  
finest 19:19  
finished 6:19; 8:21; 17:6;  
18:12; 21:14  
first 6:21; 8:20; 9:15;  
15:10; 29:16; 33:5; 34:14  
fish 19:11, 11  
Fisher 18:20  
Fisher's 19:2  
fishing 19:5  
five 4:16, 19; 7:10; 16:4,  
6; 18:10; 30:11; 33:7;  
41:19  
five-minute 4:21; 15:19  
flash 30:15  
Fleming 3:6; 5:12; 25:11,  
19; 26:7, 15, 20; 46:3  
flooded 17:14  
Florida 18:21; 19:6  
flow 7:3  
folks 27:2; 32:13  
Follow 23:3; 25:16  
following 30:6  
food 18:13  
foot 10:22; 28:5  
foot-long 10:21  
forced 44:11  
form 44:19  
formal 37:12, 13  
former 27:11  
forum 38:16  
forward 42:7  
found 15:16; 27:20;  
29:15  
Foundation 19:10;  
32:12; 35:3  
four 2:20; 5:6  
four-masted 14:18  
fourth-generation 9:6  
frame 4:21  
Frank 27:7  
Frankly 4:17  
frequently 29:9; 31:17  
full 13:12; 16:17; 24:15;  
42:13  
funded 26:1, 2

## G

gallons 16:13  
gamut 12:13  
gas 11:4  
gather 41:17  
gauge 16:4  
general 6:17  
generally 4:18  
generate 8:11; 33:7  
generated 35:9  
Gentlemen 14:13; 18:9  
George 8:20

given 11:4; 33:9  
glad 8:16  
glitzy 9:17  
goes 33:17; 36:10  
Good 2:2, 9; 4:6; 9:1;  
10:15; 16:7; 24:21; 28:4;  
30:9; 40:22; 46:14  
goodness 17:10  
grateful 18:17  
Great 5:12; 19:17; 27:14  
ground 37:16  
grounded 16:14  
grounding 13:19; 16:8  
groundings 29:13; 43:12  
grown 45:1  
Guard 15:18  
guess 27:22; 31:21  
guidance 45:4  
Gulf 12:4  
guys 6:1

## H

Habitat 7:17  
half 20:12; 33:8  
Hamons 27:7  
handles 11:12  
hang 30:12, 13  
happen 32:5  
happened 10:10, 11;  
15:7, 16  
happens 29:9  
happy 42:8; 45:11, 19  
hard 9:11; 32:21  
Hawaii 42:6  
haze 13:3  
headed 19:9  
health 19:20  
healthiest 19:5  
healthy 10:1  
hear 4:14; 5:22; 6:9; 30:1  
heard 6:5, 6; 22:5  
hearing 28:8; 35:14, 20,  
21; 36:16, 20; 37:3, 9, 11,  
13, 14, 22; 39:2  
hearings 39:19  
Heart 23:1  
Heart-Miller 22:8, 10, 20;  
33:11; 34:4  
held 37:13  
Helen 27:11  
help 16:3, 21  
helping 17:2; 43:21  
helps 4:15  
Hess 29:7  
high 12:20; 29:8; 42:22;  
44:8  
highest 44:15  
HMI 22:8  
hold 37:13; 38:16  
holding 40:5

hook 5:1; 30:12  
hope 29:19; 37:19; 40:11  
Horne 3:14  
hours 9:11; 17:2, 8  
house 2:13  
Hughes 13:21; 14:4, 7, 8,  
11, 13, 14; 16:2, 6; 18:12;  
29:6  
husband 19:8  
hydrodynamic 4:3

## I

ice 13:3; 43:18  
ideas 27:3  
ILA 12:6  
imagine 25:20  
IMPA 42:6  
impact 33:17, 22; 35:10  
impacts 34:22  
important 3:21, 21; 5:22;  
6:9; 9:8, 9; 44:14, 19  
improvements 18:14  
Inc 12:2  
incident 13:22  
include 37:2  
including 33:15; 39:22  
increase 43:8  
increased 43:10  
increasing 43:19  
increasingly 13:2  
individual 7:1  
industry 15:8  
informal 3:19; 21:6  
Information 2:3; 15:14;  
33:9; 35:17; 37:17; 39:10;  
40:5; 45:16  
initially 3:5  
Inland 23:20, 21  
input 5:19, 20; 6:10  
instances 31:5  
Instead 20:12  
Institute 38:6, 10  
intelligence 20:3  
intend 3:18  
intent 22:19  
interest 4:5; 8:4; 22:1;  
43:1  
interests 42:20  
Interior 25:5, 6  
into 17:9; 19:1; 20:13, 18;  
31:7; 35:6; 37:1; 41:5  
introduce 3:3; 14:14;  
41:6, 8, 9  
invited 10:18  
involve 7:13  
involved 2:15; 15:17  
involving 28:3  
Island 7:17, 19; 8:13;  
10:5, 16; 17:12; 19:9, 14;  
22:5, 8, 15; 23:2; 33:10, 11  
Islands 34:4

issue 44:15  
issues 32:15, 22; 33:1  
items 12:20

## J

J 8:21; 12:1  
James 20:6  
Jeff 3:12; 6:15, 7:4; 8:19;  
22:12; 39:14  
Jen 32:13  
jersey 31:19  
job 5:1; 39:6  
joined 27:6  
Joseph 41:22

## K

keep 10:1, 1; 26:11, 12  
keeping 3:16  
keeps 38:11  
Kent 17:12; 20:11; 40:2  
key 3:17  
Kidd 3:13  
Kim 30:6; 32:9, 10  
knocked 31:16  
knowing 34:14

## L

labor 12:13  
Laboratory 4:2  
landfill 23:11  
landing 31:3  
large 31:17; 44:21  
larger 11:11, 11, 11;  
31:22  
last 5:6; 15:15  
lastly 35:12  
late 28:20  
later 5:15; 13:21; 28:16;  
37:6  
lattice 31:14  
law 37:2  
lead 32:15  
leads 34:11  
leave 8:8; 32:21  
Legislative 39:2  
less 13:5  
lets 40:20  
letter 41:4, 17; 42:5, 13  
letting 20:20  
lies 44:5  
life 18:19, 20; 19:21  
light 9:15; 15:18; 17:7  
lightered 17:7  
likewise 13:4  
limit 15:22; 34:5; 41:19  
Line 18:4; 29:3  
list 21:1

listed 22:18  
listening 4:20  
little 6:13, 17; 29:6; 30:12;  
37:6; 39:10  
live 2:10  
lives 10:17; 34:5  
living 9:11  
load 9:19; 32:3  
loaded 31:22  
loading 35:11  
loadings 35:7  
loads 43:8  
lobbyist 20:2  
located 25:4, 10  
location 7:20; 22:6, 7  
Locklear 38:20, 20  
long 8:7; 9:11; 11:14;  
12:6; 19:9, 14; 28:16; 44:4  
longer 11:2; 28:2  
look 37:4; 40:21  
looked 24:7  
looking 5:9, 10; 22:11  
lot 2:15; 3:1; 28:4, 5;  
29:11; 31:7; 35:5; 41:20  
love 2:14; 20:3  
Luckily 16:22  
lunch 21:14

## M

ma'am 30:10; 36:8, 14;  
38:4; 39:8  
Maersh 18:4  
Magothy 2:14  
maintenance 12:17;  
13:6; 33:18; 34:6, 8, 10  
MAJ 5:12; 25:11, 19;  
26:7, 15, 20; 46:3  
Major 3:5; 4:8; 5:8; 18:2;  
35:4  
makes 25:18, 21  
making 7:2, 2  
maneuver 11:6  
manner 31:15  
Manual 23:20, 22  
many 28:11, 11; 31:5;  
43:19; 44:22  
Marina 30:22; 31:1, 8  
marine 43:20  
maritime 12:9; 19:4  
Mark 14:5  
Martin 20:7  
marvelous 10:6  
Maryland 9:13, 21; 12:7;  
13:16; 19:16, 17; 20:3;  
39:3; 42:1; 45:18  
material 7:15, 20; 8:12;  
10:12, 15; 13:15; 22:7, 9,  
10, 14; 23:4, 8, 9, 15; 24:2,  
10; 34:3; 37:1  
matter 12:14; 28:18  
matters 29:4

Max 18:20; 19:1  
 maximum 26:6  
 may 3:2; 4:10; 6:4; 30:15;  
 36:9; 9, 11; 37:10, 11, 13;  
 45:16  
 McKee 3:12; 7:5; 22:14;  
 23:10, 13, 21; 24:4, 12, 18  
 mean 37:22; 41:19  
 means 15:5  
 meet 18:18; 39:5  
 meeting 36:13, 19; 38:7,  
 9, 10, 13; 39:20; 40:8  
 meetings 39:18  
 member 3:11  
 membership 12:3; 42:18  
 memories 2:22  
 mentioned 12:21  
 mentioning 41:18  
 metals 23:7  
 method 10:4  
 Miami 18:21, 22; 19:3  
 mic 6:22; 8:20; 21:13;  
 27:12, 13; 41:15  
 Michael 45:17  
 middle 37:16  
 might 13:21; 26:11;  
 30:13; 40:7; 45:20  
 Mike 42:5  
 mile 7:11  
 miles 7:10; 8:7  
 Miller 23:2  
 million 7:14; 8:12; 16:12;  
 33:8  
 mind 3:3; 5:7  
 minimize 43:7  
 minor 30:20; 45:2  
 minute 4:17; 15:20;  
 30:11; 41:19  
 minutes 4:19; 6:16; 16:5,  
 6; 18:10; 27:2; 32:8; 40:20;  
 46:8  
 mishaps 13:17  
 misses 13:17; 43:16  
 modeling 2:18  
 moderate 3:18  
 moderator 2:8, 10  
 modification 45:14  
 modifications 43:13;  
 45:2, 5  
 Montauk 19:14, 18  
 months 10:5; 35:1  
 more 2:10; 3:2; 4:19;  
 13:21; 32:3; 33:4; 35:12;  
 43:11  
 Most 5:5; 10:13; 21:14;  
 28:2  
 mouth 42:2  
 moved 31:19  
 moving 29:19  
 Mrs 36:17  
 much 15:17; 29:22;  
 44:13; 46:3  
 mule 9:19

music 6:19  
 must 17:19  
 myself 14:14

## N

name 2:7; 6:22; 7:1; 9:2;  
 11:11; 21:19; 41:16, 22  
 name's 11:22; 21:17  
 names 6:21  
 narrow 44:12  
 nation's 20:16  
 natural 43:6  
 naturally 8:9  
 Naval 38:6, 10, 10  
 navigation 8:5; 42:20  
 navigational 21:22; 43:1,  
 19  
 navigators 13:2  
 Navy 19:8  
 near 13:17; 43:16  
 necessary 10:3; 26:14  
 neck 17:13  
 need 6:8; 11:5, 5, 15, 15;  
 20:16; 33:14; 35:8, 19;  
 36:15, 19; 45:2  
 needed 13:7; 22:21, 22;  
 23:1  
 needs 11:16, 17; 43:1  
 negotiations 12:6  
 new 10:14; 19:8; 33:6, 15,  
 20; 34:3, 8, 13; 38:18  
 News 38:3; 40:2  
 newspapers 39:22  
 next 7:2; 14:3, 9; 27:8;  
 30:5; 31:15  
 Nielsen 42:3  
 night 10:19  
 nitrogen 34:20  
 Nixon 8:20; 9:1, 2  
 nor 35:19  
 normally 4:20  
 northern 43:9; 44:17  
 notice 22:18; 34:1; 39:12,  
 15, 20; 46:11  
 notices 22:4; 36:21  
 notified 40:8  
 number 4:11; 5:4; 37:9;  
 39:18, 21  
 numerical 2:18  
 nutrients 35:4, 6, 9

## O

o'clock 5:16  
 observe 27:16  
 obvious 15:1, 14  
 off 3:20; 6:18; 17:9; 38:14;  
 41:16  
 offering 37:3  
 oil 13:18; 15:2, 2; 16:11;

17:14; 18:5; 29:7  
 once 15:14; 30:13  
 One 2:9; 4:9; 5:16; 7:6;  
 13:11; 15:20; 18:22; 21:8;  
 22:2; 30:19  
 only 15:8; 18:22; 35:8;  
 43:15; 44:5  
 onto 44:3  
 OP-90 15:2  
 open 4:10; 6:3; 24:10  
 opening 6:16  
 operate 4:16; 18:6  
 operating 14:17, 21  
 operators 12:4  
 opinions 26:18  
 opportunity 18:18;  
 21:20; 32:12; 38:16; 40:9  
 options 34:6; 37:10  
 oral 4:11  
 order 13:13; 27:10;  
 28:21; 43:7  
 organization 12:3, 12  
 original 39:12, 15  
 originally 17:3; 43:5  
 others 40:2; 41:22  
 out 2:21; 5:9; 10:5; 15:12,  
 16; 17:6; 18:1; 19:14, 18;  
 21:2; 27:20; 28:18; 31:4;  
 33:2; 39:12, 15, 19; 40:6;  
 42:2  
 outreach 39:11  
 over 2:19; 5:5, 8; 10:18;  
 11:10; 16:12; 30:2; 38:9  
 overdue 44:4  
 overlook 34:3  
 overview 8:14  
 own 14:17; 31:1  
 owned 9:5, 7

## P

p.m 46:15  
 page 33:21  
 pales 9:14  
 Panamx 11:12  
 panel 3:4; 21:21; 41:12  
 panelist 27:6  
 panels 29:22  
 paper 3:16; 4:15  
 parking 31:7  
 part 25:14; 29:10; 43:15;  
 44:17  
 particular 25:22; 34:17  
 past 6:8; 10:11; 12:8;  
 42:10  
 path 44:12  
 Peck 20:6  
 people 4:19; 6:6; 9:10;  
 24:11; 32:5; 36:3; 37:8;  
 38:13; 39:16  
 per 16:5  
 perhaps 13:11

period 2:19; 12:9; 24:17;  
 36:10  
 periods 43:17  
 person 6:22; 7:2; 8:20  
 personally 11:9; 31:10  
 Phase 7:19  
 Philadelphia 16:10; 17:1  
 phosphorus 34:20  
 phrase 28:3  
 physical 4:4  
 pick 21:13  
 pieces 31:17  
 pilot 10:17  
 piloting 42:9  
 Pilots 13:16; 28:15;  
 31:11; 42:1, 4; 43:15;  
 45:18  
 place 10:12; 34:10  
 placed 7:16; 33:10  
 placement 22:7  
 places 19:17  
 placing 34:3  
 planned 22:15  
 planning 39:17  
 pleased 45:15  
 point 8:15; 16:14; 17:11;  
 19:14, 18; 23:17; 24:4;  
 32:19; 37:6  
 pointed 29:3  
 points 3:17; 4:9; 28:7  
 Pollution 15:3  
 pool 31:14, 15  
 Poplar 7:16, 19; 8:13;  
 10:4, 16; 22:5, 9, 15, 19;  
 33:10; 34:4  
 Port 9:3, 7, 8, 12, 15, 17;  
 11:16; 12:11, 11, 14; 28:1;  
 42:18, 19; 43:2; 44:20  
 ports 17:13  
 position 32:22  
 possible 33:19; 43:4;  
 45:10  
 possibly 27:2  
 post-haste 11:20  
 potential 26:6; 43:20  
 practice 2:21  
 preliminary 24:5  
 prepared 36:7  
 present 20:22  
 preservation 19:20  
 president 9:2; 42:1;  
 45:17  
 pretty 2:9; 41:14, 15  
 primary 22:19  
 prior 31:5; 35:15  
 priority 12:20; 43:1;  
 44:15  
 private 2:21; 12:10  
 Probably 9:10; 10:10;  
 41:19  
 problem 17:12, 22; 35:4;  
 43:14; 45:6  
 problems 17:10; 18:4;

29:14  
 proceed 11:20  
 PROCEEDINGS 2:1;  
 46:16  
 produced 19:2  
 product 18:7  
 progressed 14:21  
 progression 11:10  
 project 6:2; 7:8, 17, 22;  
 10:6; 13:12; 28:19; 39:17;  
 44:3  
 projects 6:17; 7:5; 10:2;  
 12:16; 13:14; 14:2; 25:20,  
 22; 26:1, 1, 5; 28:22;  
 29:16, 19; 33:6, 15, 16;  
 34:13, 17, 19; 35:10, 15,  
 21; 40:15; 42:17, 22; 43:3;  
 45:15  
 pronounce 30:7  
 properly 11:18  
 placement 22:7  
 property 31:3, 12  
 proposal 7:13  
 proposed 7:16, 20; 8:5,  
 15; 33:5; 34:19; 35:14, 21  
 protect 20:17; 26:4;  
 43:21  
 protected 20:10  
 protection 19:20  
 protocol 39:3  
 proud 10:7  
 provide 24:11; 40:13;  
 45:11, 15  
 provided 24:10  
 provides 15:3  
 providing 40:9  
 Public 2:3; 22:4, 17;  
 24:15; 31:2; 34:1; 35:14,  
 16, 19, 21; 36:12, 16, 18,  
 20, 20; 37:3, 8, 11, 12, 14,  
 17, 22; 39:6, 10, 12, 15,  
 19, 20; 40:5  
 published 36:20  
 pulled 10:8  
 pumping 17:6  
 purpose 37:16  
 Pursuant 23:19, 21;  
 36:21  
 pushed 17:8  
 pushing 28:17; 29:16  
 put 30:2; 31:13, 14;  
 34:10; 35:6; 39:12, 19

## Q

quantity 35:9  
 Queen 21:19  
 Queens 19:14  
 quite 26:7

## R

raised 2:13  
 raises 13:19

ran 16:17  
rather 27:16  
reaches 8:1  
read 41:4; 42:12  
reading 41:17  
ready 41:7, 14, 15  
real 19:3; 32:4  
really 2:11; 5:9; 10:7;  
27:15; 35:8; 37:19  
rear 11:4  
reason 2:9; 11:19; 22:21;  
23:1  
reasonable 7:3; 27:10  
reasons 14:1; 15:2, 13  
recall 13:8  
recently 13:19; 29:5  
Recess 27:4; 41:1; 46:10  
record 4:9; 6:3; 21:10;  
24:9; 35:13; 41:5, 16  
recorder 4:13  
recording 4:12  
reduced 43:17  
reducing 35:6; 43:20  
regarding 42:20  
Regional 12:1  
regs 37:7  
regulations 37:4  
reiterate 4:8  
relates 22:3  
relatively 30:20  
release 34:21  
releases 34:22  
remain 24:10; 45:7  
remained 28:10  
remember 3:1; 27:9  
reminded 15:21  
replace 35:18  
replacing 34:7  
report 13:17, 18; 43:15  
represent 21:18  
representatives 12:14  
representing 12:3  
represents 12:12  
request 24:9; 35:20;  
37:8; 45:7  
requested 35:13  
requesting 43:3  
requests 39:18  
require 45:16  
required 37:2  
resided 12:7  
resolved 33:1  
resources 35:5  
Restoration 7:17; 19:20  
restore 20:17  
restoring 19:13; 26:12  
resulted 43:8, 12  
results 23:17; 24:5  
resurrection 19:13  
retire 20:9  
retired 2:20

review 24:15  
richest 19:3, 4  
right 3:11, 13, 13; 16:14;  
17:12; 18:11; 21:1, 15;  
23:12; 27:8; 28:13; 31:3  
ROBEY 2:2, 7; 6:15; 8:19;  
14:3, 9, 12; 15:20; 16:3;  
18:11, 15; 20:21; 21:5, 7,  
11, 15; 22:12; 24:21; 25:2,  
7; 26:21; 27:5, 14, 17;  
30:4, 9, 17; 32:7; 36:1, 8,  
14; 40:16; 41:2, 14; 46:1,  
4, 11  
Rockefeller 19:10  
Rukert 9:3  
run 5:4; 9:4

## S

S 16:15  
S-Curve 2:5; 28:12  
S-Turn 2:6; 10:22; 12:20;  
13:1; 15:11; 22:17; 23:5;  
43:9, 11  
safe 13:5  
safely 11:7  
safety 8:5; 10:16; 17:18,  
19; 21:22; 28:18; 30:22;  
42:20; 43:20; 44:15  
same 3:20; 6:18; 18:3, 7  
Samuel 38:20  
sand 16:19  
Saturday 38:21  
saw 29:2  
saying 26:13  
SCHALLER 21:3, 6, 8,  
13, 16, 17; 23:3, 12, 19;  
24:1, 8, 16, 20  
schooners 14:18  
Scientist 32:11, 14, 15  
sea 19:1; 20:18  
Seaford 19:18  
second 6:22; 7:22; 8:21;  
34:18; 42:1  
Secretary 42:3  
section 36:21; 44:4  
Sector 12:11  
sediment 23:13; 34:6, 8,  
11  
seems 35:7  
segments 15:19  
Senators 39:4  
send 37:19  
Senior 32:11  
series 11:12  
served 20:6  
Service 39:2  
serving 13:16; 44:20  
session 3:19  
sessions 4:18  
settles 11:4  
several 15:13; 18:3  
shall 22:6

share 20:20  
sheet 6:19, 19  
ship 9:15; 11:2; 12:4;  
14:16; 17:8  
ship's 31:4, 6, 16, 20  
shipping 22:1  
ships 10:21; 11:9, 10;  
12:21; 18:4; 31:9, 22, 22;  
32:3; 42:9; 44:21; 45:1  
shoes 32:17, 18  
shore 30:21  
shoreline 8:4  
Shoremen's 12:7  
shorten 34:4  
shown 7:18  
side 3:14; 17:2, 7  
sides 5:20; 17:20  
siding 17:9  
sign 30:12  
significant 32:20; 34:16  
similar 17:15  
single 40:14  
sit 46:7  
site 8:14; 33:13, 14, 19;  
34:14  
Sitting 3:4  
situation 5:21  
situations 5:21  
size 20:17; 43:10; 45:1  
skinned 15:5  
slightly 32:18  
slow 31:9  
small 17:13  
smaller 11:9  
SMITH 41:21, 22  
snakes 8:3  
Somebody 41:4  
sometime 39:13  
sometimes 39:5  
soon 29:20  
sounds 40:21  
south 8:1; 19:17  
speak 4:22  
speaker 14:3, 10; 16:5;  
27:8; 30:5; 41:4  
speakers 16:1; 20:22;  
36:2; 40:17; 46:6, 12  
speaking 3:6; 4:17  
special 5:17  
Specifically 25:19  
spectre 13:19  
spell 33:2  
spells 18:1  
spent 15:15  
spill 17:16  
spills 15:2; 18:2  
spoken 45:12  
spot 18:3  
ST-112 16:10  
staff 32:14; 38:12  
stand 4:18

Star 40:1  
start 29:20; 41:16  
started 6:14; 41:3  
State 9:13, 21, 22; 11:16;  
20:2, 13; 33:18; 38:9; 39:3  
statement 7:2; 33:17, 22;  
35:13; 36:6; 37:3  
statements 8:17  
States 12:5; 26:11, 12  
Station 2:17; 4:1  
stay 6:8  
step 42:7  
stern 16:18  
stick 30:11  
still 2:22; 45:6  
stop 4:19  
straightened 8:6; 28:18;  
43:18  
Straightening 2:6, 6;  
12:19; 15:12; 22:17; 23:5;  
32:1; 42:14; 45:8  
stream 19:2  
streams 19:2  
street 10:18; 18:22; 19:15  
stretch 27:2  
strong 10:1  
Subject 16:8; 36:16  
submit 36:6; 42:7  
submitting 33:3  
Subsequent 43:13  
summary 22:3  
summer 35:1  
Sun 39:22  
Sunday 38:21  
superintendent 38:19  
support 9:22; 18:13, 14;  
21:21; 28:22; 42:14; 45:13  
supporting 15:11  
supposed 33:9  
sure 4:13; 6:8, 18; 21:5, 7;  
25:2; 26:7, 15; 29:13; 35:2  
sweeping 44:12  
swimming 31:14  
system 44:21; 45:3

## T

talk 4:18; 13:18; 27:8, 16;  
32:13  
talked 10:19; 29:6  
talking 4:6; 15:22; 25:21  
tanker 29:7  
tardiness 14:11  
TCLP 23:7, 10  
teach 20:15  
Team 3:12  
technical 5:5  
ten 2:19; 40:20  
terminal 9:4; 11:12  
Terminals 9:3  
testimony 33:3; 45:13

Testing 23:20, 22  
Thanks 5:12  
there'll 34:9  
thereby 43:21  
therefore 13:1  
third 39:1  
though 27:8  
thought 18:13; 20:8  
thousands 38:22  
Three 31:13  
three-masted 14:18  
thus 34:5  
tier-2 23:16  
tier-2s 24:6  
tier-3 23:16  
tier-3s 24:6  
till 6:4  
times 3:21; 16:12; 30:11;  
38:21  
today 3:7, 16; 4:12; 5:13;  
12:17; 13:18; 19:1, 17, 22;  
20:15; 21:2; 22:5; 27:10;  
28:9; 30:1, 10, 13; 32:13  
17; 33:2; 37:18; 39:20;  
40:6, 12, 12; 46:14  
today's 35:16; 38:12  
together 10:8  
Tolchester 2:5; 8:1, 2;  
12:19; 15:11; 22:17;  
23:15; 24:12; 28:12; 29:8;  
30:22; 31:1; 33:16; 34:2;  
42:15; 43:5; 44:16; 45:8  
told 18:21  
tonight 6:5  
towing 17:3  
town 21:18  
track 3:16  
transportation 14:19  
true 20:7  
truly 26:4  
tug 14:21; 17:3, 4  
tugs 16:20; 17:8; 18:6  
turn 5:7; 28:14  
turned 14:5  
two 6:20; 7:5; 10:2; 12:20;  
15:15, 19; 17:2, 8; 18:14;  
28:17; 32:8; 33:5; 42:22  
two-masted 14:17  
tying 30:10  
types 4:17

## U

U.S 37:2  
ultimate 34:11  
unbiased 2:11  
under 3:9; 12:16  
undergoing 23:15  
underway 13:14  
unfair 20:14  
unfortunate 31:8  
Union 12:7



United 12:5; 26:11, 12  
up 4:18; 7:22; 8:21; 16:19;  
18:7, 8; 21:14; 23:3; 27:6;  
20: 28:6, 9; 29:8, 9; 37:5;  
42:9, 10; 45:21  
upper 8:1; 29:10; 38:11  
upstairs 38:8  
urge 14:1  
urgency 26:6  
use 23:1; 34:12  
used 25:4; 44:21  
user's 42:18  
utilize 43:6  
utilizing 33:19

## V

vacation 32:16  
Valdez 17:16  
valid 26:16  
value 5:20; 6:10  
Vane 14:15  
vessel 43:8, 10; 44:11, 13  
vessels 11:13; 14:17;  
43:2; 44:22  
Vice 42:1  
view 7:18  
virgin 10:14  
visibility 43:17  
visited 19:6  
vital 42:17

## W

W 8:21  
wait 14:4; 46:8  
wake 31:4, 6, 16  
wakes 31:11, 20  
Walker 27:20  
Walsh 20:7  
wants 27:7; 41:4  
warranted 37:11  
washed 19:1; 20:13, 18;  
31:18  
watch 40:21  
water 20:13; 36:22; 43:6  
waters 37:1  
waterway 44:20  
Waterways 2:17; 4:1  
Watson 42:5; 45:17  
way 3:14; 7:3  
weather 29:11; 44:10  
week 38:6  
Welcome 2:3; 5:13, 16;  
6:12; 26:20; 27:5, 14;  
40:10; 41:11  
weren't 15:21; 27:17  
western 7:10  
whenever 29:10  
Whereupon 46:15  
wherewithal 32:16

who's 32:14  
whole 41:20  
wide 7:8, 10, 12; 8:3, 8;  
11:13; 28:13  
widened 13:5  
Widening 2:4; 7:7; 12:17;  
22:16; 42:15; 44:1; 45:9  
wider 44:13  
width 10:22; 13:13; 44:5,  
5  
William 11:22

wind 11:3; 13:3; 44:10  
winds 29:9; 44:8

winter 43:18

wisdom 20:4

wish 39:1

wishing 26:4

within 17:2

without 5:19; 33:19, 20;  
34:13

wonderful 10:12

Worcester 20:11

word 40:6

work 2:15; 3:9; 9:10, 11,  
11; 28:4; 33:6, 15, 20;  
34:3; 38:14

working 2:18; 38:13;  
41:18

Works 3:9; 25:20; 34:9

Workshop 2:3; 37:17;  
40:5

workshops 5:4, 6; 35:17

world 11:19

worrying 29:21

write 37:8

writing 35:14; 40:13

written 4:11; 33:3, 3;  
36:6; 40:3; 45:12

## Y

yards 7:15; 8:12; 33:8

year 5:6; 38:8

years 2:19, 20; 5:5; 9:5,  
13, 14, 16, 20; 10:11;  
11:11; 12:8; 14:16; 20:1, 6;  
28:3, 11; 31:1, 9, 11, 13;  
42:9, 12

## Lawyer's Notes

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